

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENNIS MATHIS,

Petitioner,

v.

CASE NO. 05-CV-70731-DT
HONORABLE LAWRENCE P. ZATKOFF

RAYMOND D. BOOKER,

Respondent.

_____ /

**ORDER DENYING PETITIONER'S
MOTION FOR APPOINTMENT OF COUNSEL**

This matter is pending before the Court on Petitioner's motion for appointment of counsel. Petitioner alleges that he is unable to retain counsel, that he has had no legal training, and that he possesses limited knowledge of the law. He further alleges that the habeas issues are complex, that he has limited access to a law library, and that the library itself is inadequate.

Petitioner has no absolute right to appointment of counsel in a habeas case, *Cobas v. Burgess*, 306 F.3d 441, 444 (6th Cir. 2002) (citing *McCleskey v. Zant*, 499 U.S. 467, 495 (1987)), *cert. denied*, 538 U.S. 984 (2003), and, because his habeas claims address only his sentence, discovery and an evidentiary hearing are not expected to be necessary. The interests of justice do not require appointment of counsel if, as Respondent contends, Petitioner's sentencing claims are

unexhausted, procedurally defaulted, not cognizable, or without merit.¹ Accordingly, Petitioner's motion for appointment of counsel [Doc. #3, Feb. 25, 2005] is DENIED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Date: September 27, 2005

¹ The sole ground for habeas relief and the supporting facts read:

Abuse of sentencing discretion, disproportionate sentence, due-process right to be sentenced on the basis of accurate information.

On remand for resentencing the trial judge err[ed] in sentencing me to 168 mo[nths] to 30 yrs. because the sentence is based on inaccurate information, and 168 mo[nths] 30 yrs. are wrong because my guidelines were refigured as being 81 to 135 mo[nths]. The trial judge abused its sentencing discretion by trying to justify the inaccurate sentence by saying that my guidelines were refigured by the Probation Dept. as being 168 mo[nths] to 30 yrs. when they refigured as being 81 to 135 mo[nths].